

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

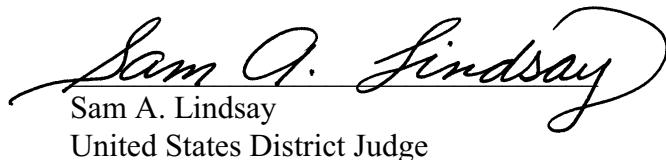
UNITED STATES OF AMERICA §  
§  
v. § Criminal Case No. 3:96-CR-71-L(06)  
§ Criminal Case No. 3:12-CR-119-L(01)  
BILLY JOE CALLIN § USCA Case No. 16-11126

**ORDER**

On February 10, 2017, United States Magistrate Judge Renée Harris Toliver entered the Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”), recommending that the court extend Defendant’s deadline to appeal in the above referenced cases because he has shown that his untimely notices of appeal were due to excusable neglect. The Report indicates that the Government does not oppose the granting of an out-of-time appeal.

Having reviewed the file, record in this case, and Report, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. Accordingly, the court **concludes** that Defendant has shown that his untimely notices of appeal filed July 19, 2016, were due to excusable neglect; **grants** Defendant’s request for extension of time to appeal (Doc. 736, filed in 3:96-CR-71-L(06); **extends** Defendant’s deadline to appeal under Fed. R. App. 4(b)(5) to July 19, 2016, such that his July 19, 2016 notices of appeal for both criminal cases are **deemed timely**; and **directs** the clerk of the court to return this case to the Fifth Circuit for further proceedings.

**It is so ordered** this 15th day of February, 2017.

  
Sam A. Lindsay  
United States District Judge